

## § 1926.10

29 CFR citation	OMB control No.
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[61 FR 5509, Feb. 13, 1996, as amended at 63 FR 3814, Jan. 27, 1998; 63 FR 13340, Mar. 19, 1998; 63 FR 17094, Apr. 8, 1998; 64 FR 18810, Apr. 16, 1999]

### Subpart B—General Interpretations

**AUTHORITY:** Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333).

#### § 1926.10 Scope of subpart.

(a) This subpart contains the general rules of the Secretary of Labor interpreting and applying the construction safety and health provisions of section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96). Section 107 requires as a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), and which is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous,

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or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation.

#### § 1926.11 Coverage under section 103 of the act distinguished.

(a) *Coverage under section 103.* It is important to note that the coverage of section 107 differs from that for the overtime requirements of the Contract Work Hours and Safety Standards Act. The application of the overtime requirements is governed by section 103, which subject to specific exemptions, includes: (1) Federal contracts requiring or involving the employment of laborers or mechanics (thus including, but not limited to, contracts for construction), and (2) contracts assisted in whole or in part by Federal loans, grants, or guarantees under any statute “providing wage standards for such work.” The statutes “providing wage standards for such work” include statutes for construction which require the payment of minimum wages in accordance with prevailing wage findings by the Secretary of Labor in accordance with the Davis-Bacon Act. A provision to section 103 excludes from the overtime requirements work where the Federal assistance is only in the form of a loan guarantee or insurance.

(b) *Coverage under section 107.* To be covered by section 107 of the Contract Work Hours and Safety Standards Act, a contract must be one which (1) is entered into under a statute that is subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267); and (2) is for “construction, alteration, and/or repair, including painting and decorating.”

#### § 1926.12 Reorganization Plan No. 14 of 1950.

(a) *General provisions.* Reorganization Plan No. 14 of 1950 relates to the prescribing by the Secretary of Labor of “appropriate standards, regulations, and procedures” with respect to the enforcement of labor standards under Federal and federally assisted contracts which are subject to various statutes subject to the Plan. The rules of the Secretary of Labor implementing the Plan are published in part 5 of this title. Briefly, the statutes subject to the Plan include the Davis-